

EXHIBIT D

From: [Steiner, Neil](#)
To: [Kim, Amos](#)
Cc: [Calvani, Torello](#); [Molina, Marco](#); [Araghi, Shaia](#)
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures
Date: Tuesday, June 27, 2023 9:30:14 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Amos,

I would be happy to arrange a meet and confer with respect to our initial disclosures, but I'm not sure what it is you think you're looking for because there simply isn't anything more for us to disclose – as I've told various members of your team innumerable times over the last decade, Equity Trading is defunct (it's only asset was its BLMIS account, which was as you know entirely lost), it has no documents other than any documents previously produced to the Trustee and it has no employees.

Neil

Neil A. Steiner

Dechert LLP

+1 212 698 3822 Direct
+1 212 810 6043 Mobile
+1 212 698 0480 Fax
neil.steiner@dechert.com
dechert.com

From: Kim, Amos <akim@bakerlaw.com>
Sent: Wednesday, June 21, 2023 5:46 PM
To: Steiner, Neil <neil.steiner@dechert.com>
Cc: Calvani, Torello <tcavani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>; Araghi, Shaia <saraghi@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

[EXTERNAL EMAIL]

Neil,

The initial disclosures you provided on Monday, June 19, are barren, unspecific, and, therefore, not in compliance with Rule 26 of the Federal Rules of Civil Procedure. This is particularly unacceptable given that the Trustee gave your client significant extensions with the understanding that you were gathering the information that your client is required to disclose.

As you know, Rule 26 requires your client to disclose the identity of any individual with discoverable information and any documents that support your defenses. FRCP 26(a)(1)(A)(i) and (ii); *see also In re Cole*, 2022 WL 963749, at *3 (Bankr. E.D.N.Y. Mar. 30, 2022) (“To satisfy Rule 26, parties must make an unequivocal statement that they may rely upon an individual on a motion or trial.”). The initial disclosures you provided were completely inadequate in this regard. And this inadequacy is

prejudicial to the Trustee's efforts to pursue discovery in support of his claims.

In the interests of judicial economy, we will hold off on moving to compel your client to provide adequate disclosures until June 30. If we do not receive amended initial disclosures from your client that comply with the federal rules and relevant caselaw, we will be moving to compel and seek any appropriate sanctions under Rule 37(a)(3)(A) for failure to provide information or identify a witness as required by Rule 26. FRCP 26(a) and (e); *see also In re Cole*, 2022 WL 964749, at *5 (applying preclusion order for failure to comply with Rule 26(a)(1)(A)(i)).

Regards,

Amos

Amos Kim
BakerHostetler
T +1.212.589.4232

From: Steiner, Neil <neil.steiner@dechert.com>
Sent: Monday, June 19, 2023 9:18 PM
To: Araghi, Shaia <saraghi@bakerlaw.com>; Kim, Amos <akim@bakerlaw.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

Shaia,

Attached please find Equity Trading's initial disclosures.

Neil

Neil A. Steiner

Dechert LLP
+1 212 698 3822 Direct
+1 212 810 6043 Mobile
+1 212 698 0480 Fax
neil.steiner@dechert.com
dechert.com

From: Araghi, Shaia <saraghi@bakerlaw.com>
Sent: Tuesday, June 13, 2023 3:30 PM
To: Steiner, Neil <neil.steiner@dechert.com>; Kim, Amos <akim@bakerlaw.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

[EXTERNAL EMAIL]

Neil,

We have not received your client's initial disclosures, despite the Trustee providing a two-week courtesy extension on May 19, 2023. As you are aware, Federal Rule of Civil Procedure 26(a)(1) sets forth the requisite timeline for the exchange of initial disclosures and, per the contents of the case management plan, the parties agreed to serve initial disclosures on or before 30 days after its filing.

Can you please provide us with your client's initial disclosures by the end of the day on **Monday, June 19, 2023**? If we do not receive them, we will have no choice but to move to compel.

Thank you,

Shaia

Shaia Araghi
BakerHostetler
T +1.714.966.8892

From: Steiner, Neil <neil.steiner@dechert.com>
Sent: Tuesday, June 6, 2023 7:16 PM
To: Araghi, Shaia <saraghi@bakerlaw.com>; Kim, Amos <akim@bakerlaw.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

Just working on final signoff but in court in DE tomorrow. Will try end of week/Monday – consistent with what I've been trying to explain for a while, there's not going to be anything new (we have no docs other than what you already have and don't have insurance)

Neil A. Steiner

Dechert LLP
+1 212 698 3822 Direct
+1 212 810 6043 Mobile
+1 212 698 0480 Fax
neil.steiner@dechert.com
dechert.com

From: Araghi, Shaia <saraghi@bakerlaw.com>
Sent: Friday, June 02, 2023 11:47 AM
To: Steiner, Neil <neil.steiner@dechert.com>; Kim, Amos <akim@bakerlaw.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

[EXTERNAL EMAIL]

Neil,

When can we expect to receive the initial disclosures from Equity Trading Portfolio? When you have a moment, please advise.

Thank you,

Shaia

Shaia Araghi
BakerHostetler
T +1.714.966.8892

From: Steiner, Neil <neil.steiner@dechert.com>
Sent: Friday, May 19, 2023 10:29 AM
To: Kim, Amos <akim@bakerlaw.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>; Araghi, Shaia <saraghi@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

Hopefully...thanks.

Neil A. Steiner

Dechert LLP
+1 212 698 3822 Direct
+1 212 810 6043 Mobile
+1 212 698 0480 Fax
neil.steiner@dechert.com
dechert.com

From: Kim, Amos <akim@bakerlaw.com>
Sent: Friday, May 19, 2023 1:28 PM
To: Steiner, Neil <neil.steiner@dechert.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>; Araghi, Shaia <saraghi@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

[EXTERNAL EMAIL]

Thank you for the response. I'll cancel the mailing of the Trustee's initial disclosures. According to the case management plan, the initial disclosures are due 30 days from the filing of the CMP, which makes it today. Would a week or two be sufficient?

Best,

Amos

Amos Kim
BakerHostetler
T +1.212.589.4232

From: Steiner, Neil <neil.steiner@dechert.com>
Sent: Friday, May 19, 2023 1:26 PM
To: Kim, Amos <akim@bakerlaw.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>; Araghi, Shaia <saraghi@bakerlaw.com>
Subject: RE: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

[External Email: Use caution when clicking on links or opening attachments.]

Emails probably crossed – no need to serve hard copies.

Neil A. Steiner

Dechert LLP
+1 212 698 3822 Direct
+1 212 810 6043 Mobile
+1 212 698 0480 Fax
neil.steiner@dechert.com
dechert.com

From: Kim, Amos <akim@bakerlaw.com>
Sent: Friday, May 19, 2023 1:25 PM
To: Steiner, Neil <neil.steiner@dechert.com>
Cc: Calvani, Torello <tcalvani@bakerlaw.com>; Molina, Marco <mmolina@bakerlaw.com>; Araghi, Shaia <saraghi@bakerlaw.com>
Subject: Picard v. Equity Trading Portfolio Limited, Adv. Pro. No. 10-04456 (CGM) - Trustee's Initial Disclosures

[EXTERNAL EMAIL]

Good Afternoon Neil,

In accordance with the case management plan so ordered in this case, please see the Trustee's written initial disclosures attached. You can also expect to receive a hard copy version of the attached disclosures via U.S. mail.

Also, please let us know if you agree to email service for future discovery purposes, including discovery requests and responses and objections. Have a nice weekend.

Best,

Amos Kim

He | Him | His
Associate

BakerHostetler

45 Rockefeller Plaza
New York, NY 10111-0100
T +1.212.589.4232

akim@bakerlaw.com

bakerlaw.com



This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments.

Thank you.